

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

KAMON ROSS,  
an individual,

Plaintiff,

v.

Case No. 1:22-cv-0819-WMR

PAMOJA HOLDINGS, INC.,  
a domestic corporation,

Defendant.

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**DEFENDANT’S ANSWER AND AFFIRMATIVE DEFENSES TO  
PLAINTIFF’S COMPLAINT**

Defendant, Pamoja Holdings, Inc. (“Defendant”), by and through undersigned counsel and pursuant to Federal Rules of Civil Procedure 8 and 12, answer the Complaint (Doc. 1) filed by Plaintiff, Kamon Ross (“Plaintiff”), and assert defenses and affirmative defenses as follows:

**JURISDICTION AND PARTIES**

1. Defendant admits that this Court is a proper jurisdiction for claims brought pursuant to the ADA, but otherwise denies the allegations in Paragraph 1 of the Complaint.

2. Defendant admits that this Court is a proper venue, but otherwise denies the allegations in Paragraph 2 of the Complaint.
3. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 3 of the Complaint.
4. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 4 of the Complaint.
5. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 5 of the Complaint.
6. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 6 of the Complaint.
7. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 7 of the Complaint.
8. Defendant admits the allegations in Paragraph 8 of the Complaint.

**FACTUAL ALLEGATIONS**

9. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 9 of the Complaint.
10. Defendant admits the allegations in Paragraph 10 of the Complaint.
11. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 11 of the Complaint
12. Defendant denies the allegations in Paragraph 12 of the Complaint.
13. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 13 of the Complaint
14. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 14 of the Complaint
15. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 15 of the Complaint

**COUNT I – CLAIM FOR INJUNCTIVE RELIEF**  
**(Against Defendant for ADA Violations)**

16. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations of Paragraph 16 of the Complaint.

17. Defendant admits the allegations in Paragraph 17 of the Complaint.

18. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations of Paragraph 18 of the Complaint.

19. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations of Paragraph 19 of the Complaint.

20. Defendant denies the allegations in Paragraph 20 of the Complaint.

21. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 21 of the Complaint.

22. Defendant denies the allegations in Paragraph 22 of the Complaint.

23. Defendant denies the allegations in Paragraph 23 of the Complaint.

24. Defendant denies the allegations in Paragraph 24 of the Complaint.

25. Defendant denies the allegations in Paragraph 25, including subsections (a)-(l) of the Complaint.

26. Defendant denies the allegations in Paragraph 26 of the Complaint.

27. Defendant denies the allegations in Paragraph 27 of the Complaint.

28. Defendant is without sufficient knowledge or belief to admit or deny the allegations and therefore denies the allegations in Paragraph 28 of the Complaint.

29. Defendant denies the allegations in Paragraph 29 of the Complaint.

30. Defendant denies the allegations in Paragraph 30 of the Complaint.

31. Defendant denies the allegations in Paragraph 31 of the Complaint.

32. Defendant denies the allegations in Paragraph 32 of the Complaint.

33. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations of Paragraph 33 of the Complaint.

34. Defendant denies the allegations in Paragraph 34 of the Complaint.

35. Defendant denies the allegations in Paragraph 35 of the Complaint.

36. Defendant denies that any violations exist and therefore denies the allegations in Paragraph 36 of the Complaint.

37. Defendant denies the allegations in Paragraph 37 of the Complaint.

38. Defendant denies the allegations in Paragraph 38 of the Complaint.

39. Defendant denies the allegations in Paragraph 39 of the Complaint.

40. This Paragraph sets forth a legal conclusion for which Defendant can neither admit nor deny, and, therefore, denies the allegations of Paragraph 40 of the Complaint.

In response to the unenumerated WHEREFORE paragraph immediately following Paragraph 40, Defendant denies the allegations and further denies Plaintiff is entitled to any relief sought.

### **AFFIRMATIVE DEFENSES**

#### **GENERAL DENIAL**

All allegations in the Complaint not expressly admitted are hereby denied.

#### **FIRST DEFENSE**

Plaintiff has failed to state a claim upon which relief can be granted.

#### **SECOND DEFENSE**

Removal of the alleged barriers is not readily achievable.

#### **THIRD DEFENSE**

The requested modifications would impose an undue burden on the Defendant.

**FOURTH DEFENSE**

Plaintiff lacks standing to bring a claim.

**FIFTH DEFENSE**

The Defendant adequately provided access through readily achievable alternative methods.

**SIXTH DEFENSE**

Because Plaintiff's Complaint is phrased in vague and conclusory terms, Defendant cannot fully anticipate all defenses which may be applicable to this action. Accordingly, the right to assert additional defenses, to the extent such defenses are applicable, is hereby reserved.

Dated this 23rd day of November 2022.

Respectfully submitted,  
SPIRE LAW, LLC  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 23rd day of November 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s/ Ian Smith  
Attorney